

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1733.01  
**COMPLAINT INVESTIGATOR:** Sandie Scudder  
**DATE OF COMPLAINT:** April 18, 2001  
**DATE OF REPORT:** May 15, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** September 18, 2001

**COMPLAINT ISSUES:**

Whether the Indianapolis Public Schools violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:
  - a. failing to provide speech therapy, occupational therapy, and physical therapy services as stated in the IEP;\*\* and
  - b. failing to provide progress reports to the parent at the intervals indicated on the IEP.
- 511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record:
  - a. regularly monitored the implementation of speech therapy, occupational therapy, and physical therapy services to the student; and
  - b. provided progress reports to the parent.

\*\* This was originally cited as two separate issues – failing to initiate services in accordance with IEP initiation date and failing to provide services of length and frequency identified in the student's IEP. It was consolidated into a single issue during the course of the investigation.

**FINDINGS OF FACT:**

1. The Student is five years old, is enrolled in Kindergarten, and is eligible for special education and related services as a student with a Moderate Mental Disability and a Communication Disorder.
2. The CCC Report/IEP dated August 9, 2000, was completed at the previous school attended by the Student. The Student enrolled in the present school (School) on September 11, 2000. Both the previous and present schools are in the same school corporation. The records from the previous school did not arrive until a couple of weeks after the student was enrolled. The IEP dated August 9, 2000, documents that the Student was to receive physical therapy two times per month for 20 minutes, occupational therapy consultation with the classroom teacher one time per month, and speech therapy for 90 minutes per week. The initiation date for services was August 25, 2000.
3. The Student's teacher of record (TOR) at the School acknowledges that she was not aware the Student was not receiving occupational and physical therapies until several months after the Student was enrolled. The Complainant was informed by the Student's teacher of record (TOR) that the Student had not been receiving occupational therapy and physical therapy.

4. The physical therapist states that the Student was not on the physical therapy roster and on January 29, 2001, was informed by the Student's teacher that the student was to receive physical therapy. The physical therapist observed the Student on January 29, 2001, and began working with the student on February 8, 2001, two times per month. On April 12, 2001, the physical therapist realized that the medical authorization for the physical therapy expired on September 2, 2000, and services were stopped until a new authorization could be obtained.
5. The occupational therapist had no prior knowledge of the Student and was informed by the Student's teacher on January 24, 2001, that the Student was to be receiving occupational therapy services. The occupational therapist worked with the Student on January 24, 2001. On April 13, 2001, the occupational therapist consulted with the physical therapist and noticed that the medical authorization for services had expired. Occupational therapy services were discontinued until the occupational therapist realized that such authorization was not required for a Student to receive occupational therapy services. Occupational therapy services have been reinstated. The school has sent two medical authorization forms to the Complainant. The Complainant states that the School should have received the medical authorization on May 3, 2001.
6. Based on the speech therapist's log, the Student has received 90 minutes of speech therapy services per week in accordance with the IEP dated August 9, 2000, including 30 minutes of individual therapy two times per week plus thirty minutes of integrated therapy each week in the Student's classroom through teacher and therapist consultation. Speech services started on September 15, 2000.
7. The August 9, 2000, IEP indicates that each of the annual goal pages will be updated and provided to the parent with report cards at each of the four nine-week grading periods. There are no annual goals for occupational or physical therapy. Although the TOR sent home "Weekly Progress Reports," these reports did not address individual IEP goals. The School reports that nine-week progress reports addressing progress on each IEP goal were sent home on the following dates: November 3, 2000, January 24, and March 28, 2001. The Complainant reports that she did not receive any of these reports.

#### **CONCLUSIONS:**

- 1a. Findings of Fact #2, #3, #4, and #5 indicate that the Student's current IEP required occupational and physical therapy services be provided beginning August 25, 2000. The IEP specified that the Student would receive 40 minutes of physical therapy per month, 30 minutes of occupational therapy consultation per month, and 90 minutes of speech therapy per week. However, an interruption of services occurred between the Student's enrollment in a new school within the school corporation on September 11, 2000, and the initiation of occupational and physical therapies in late January 2001. Physical therapy was discontinued in April 2001, as the result of the lack of a current medical authorization. The Complainant provided a new authorization to the School in early May 2001. Finding of Fact #6 reflects that weekly speech therapy services were provided within four days of the Student's enrollment. Physical and occupational therapy have not occurred as specified, but speech therapy services have been provided in accordance with the IEP. Therefore, a violation of 511 IAC 7-27-7(a) has occurred with respect to the failure to provide physical and occupational therapy services between September 2000 and January 2001.
- 1b. Finding of Fact #6 indicates that the parent is to receive a progress report on each of the three annual goals from the August 9, 2000, IEP at each of the nine-week grading periods. Although the School reports sending the nine-week progress reports home with the Student, the Complainant indicates that she has not received any of the reports. The School could provide no objective

documentation to demonstrate that the Complainant had received the reports, therefore, a violation of 511 IAC 7-27-7(a) has occurred.

- 2a. Finding of Fact #3 demonstrates that the TOR did not monitor the implementation of the Student's IEP with respect to the provision of occupational and physical therapy services. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 have occurred with respect to the TOR's responsibility to monitor the implementation of the Student's IEP.
- 2b. Finding of Fact #6 indicates a conflict of information regarding the provision of nine-week progress reports. The TOR reports that she sent them home with the Student, but the Complainant reports that she did not receive them. There is no other documentation to demonstrate that the reports were provided as required. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 have occurred.

**The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Indianapolis Public Schools shall:

1. reconvene the CCC and decide how compensatory services shall be provided to the Student for physical therapy sessions missed from September 11, 2000, to January 29, 2001, and occupational therapy sessions missed from September 11, 2000, to January 24, 2001. Compensatory services may be provided as extended school year services. **A copy of the CCC Report/IEP shall be submitted to the Division no later than June 1, 2001.**
2. At the beginning of the 2001-2002 school year, send a written reminder to all teachers of record regarding the requirements of 511 IAC 7-17-72 and 511 IAC 7-27-7(b). **A copy of the written reminder along with an assurance statement that it was sent to all teachers of record must be submitted to the Division no later than September 11, 2001.**
3. No later than May 25, 2001, provide the Complainant with copies of the Student's progress reports for November 2000, January 2001, and March 2001. **No later than May 30, 2001, submit to the Division a "receipt" signed by the Complainant, indicating that she has received these documents.**

DATE REPORT COMPLETED: May 15, 2001